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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,224	02/26/2004	Burkhard Kuhls	080437.53236US	2832

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EXAMINER
JOHNSON, CARLTON

ART UNIT	PAPER NUMBER
2136	

MAIL DATE	DELIVERY MODE
01/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	10/786,224	KUHLS, BURKHARD
	Examiner	Art Unit	
	Carlton V. Johnson	2136	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>14 January 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

    b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on ___. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ They raise the issue of new matter (see NOTE below);

    (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: ___. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): ___.

6. ☐ Newly proposed or amended claim(s) ___ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: ___.

    Claim(s) objected to: ___.

    Claim(s) rejected: <u>*1-20*</u>.

    Claim(s) withdrawn from consideration: ___.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). ___.

13. ☐ Other: ___.

Continuation of 11. does NOT place the application in condition for allowance because: Response to Arguments

The Drews prior art discloses the comparison of a secure hash value to a second hash value of a downloaded boot image. The boot image is signed. The fact that the boot image is divided into a set of sub-images for the generation of a set of hash values and then signed does not remove the fact that the boot image is signed as per claim limitation.

A digital certificate enables by its digital signature(s), verification and authentication of access by an entity to a resource that is protected by the certificate. The clearing code site is a site that enables access to software by a digital certificate. The Drews and Wong prior art combination discloses access by an entity to a resource (i.e. software) by the verification of a digital certificate.

The Wong and Drews prior art combination discloses a boot image which is signed for security protection. (see Drews col. 1, lines 62-67: pre-boot software, before use by local platform (control unit); col. 4, lines 31-38; col. 4, lines 48-54: sign software; utilizing private key, PKI technique; col. 2, lines 48-51: software download) The Drews prior art discloses the capability to check or verify the signature for software such as a boot image. (see Drews col. 4, lines 1-6; col. 4, lines 9-14; col. 4, lines 23-26: verify (check) signature with public key (complimentary to private (secret) key), validity check)

The Wong prior art discloses a boot image for operating system software operational within a vehicle. (see Wong col. 7, lines 32-38: boot image operational within vehicle (master control unit)) The Wong and Drews prior art combination discloses a boot image, which is digitally signed for security protection. A boot image is software before its actual usage to initially load and activate an operating system (for host system or a vehicle). (see Drews col. 1, lines 62-67: pre-boot software, before use by local platform (control unit); col. 4, lines 31-38; col. 4, lines 48-54: sign software; utilizing private key, PKI technique; col. 2, lines 48-51: software download)

The arguments against the dependent claims are based on the arguments against the independent claims 1 and 7. Due to the successful responses to the arguments against independent claims 1, 7, the arguments against the associated dependent claims 2-6 and 8-18 have also been successfully responded to.
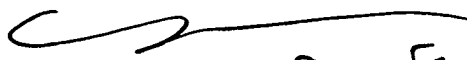
The Wong prior art discloses a control unit operational within a vehicle. (see Wong col. 7, lines 32-38 master control unit operational within a vehicle) The Wong and Drews prior art combination discloses the management and storage of multiple types of certificates within system. The Drews prior art server system discloses the storage of certificates within the storage subsystems. (see Drews col. 4, lines 26-30: certificate (public key) stored in persistent storage, local platform (control unit))

A certificate is the combination of a trusted authority for certificate management, cryptography key information (public-private keys), and an associated client (user, entity). Applicant's invention discloses multiple certificates utilized for the security of multiple types of entities (clearing code site, software signature, clearing code data). The Wong and Drews prior art combination discloses a set of certificates (certificate chain) for multiple types of entities and utilized to provide security type functions. (see Drews col. 2, lines 37-66: certificate with associated public-private keys)

The examiner has considered the applicant's remarks concerning In a method of providing software for use by a control unit of a vehicle, before its use by the control unit, the software is signed according to a public-key method against a falsification, using the secret or private key of a software signature site. The signed software is checked for integrity by using the public key complementary to the secret key of the software signature site. Applicant's arguments have thus been fully analyzed and considered but they are not persuasive.

After an additional analysis of the applicant's invention, remarks, and a search of the available prior art, it was determined that the current set of prior art consisting of Wong (5,597,985) and Drews (6,463,535) discloses the applicant's invention including disclosures in Remarks.

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